

# The Michigan Mountain Biking Association

www.mmba.org

## Via Electronic and First Class Mail

June 28, 2011

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**Re: House Bill 4684 (the "Equestrian Bill")**

Ladies and Gentlemen:

I write as the Director of Advocacy of the Michigan Mountain Biking Association ("MMBA") in connection with the above-captioned Equestrian Bill. As you will note upon your review of the history of the Equestrian Bills in the last session, House Bill 4684 is an attempt to re-open this issue after months of negotiations that led to the enactment of House Bill 4610 of the 95<sup>th</sup> Legislature. To that end, this new House Bill 4684 seeks to overturn the compromise agreed to last session, in an attempt to place equestrians above all other user groups; furthermore it takes away from the Department of Natural Resources' ability to manage public lands for the safety and enjoyability of all user groups.

During the last session, the MMBA provided its Position Statement, much of which applies again since this is an attempt to pass a Bill that goes back to square one once again. The primary thrust of those comments follow. (For your records, I have also enclosed a copy of the November 19, 2009 letter submitted by the MMBA).

It should also be noted that House Bill No. 4684's re-opening of closed trails pursuant to the Amendment in Section 72101(h) would severely upset a trail separation compromise established by the Michigan Mountain Biking Association and Equestrians at Pontiac Lake Recreation Area and Fort Custer State Recreation Area.

**MMBA Position**

It is the position of the Michigan Mountain Biking Association (MMBA) that the Equestrian Bill should be defeated due to a lack of specifics on their meaning and their preference for trail access in favor of equestrians and to the detriment of other trail users, especially cyclists.

The MMBA has always been and continues to be ardently in favor of access to nonmotorized trails for the silent sports and trail enthusiasts (including cyclists, hikers, trail runners, orienteers,

equestrians, berry pickers and mushroom harvesters). The continued maintenance and expansion of access to these low impact uses of parks created by the State of Michigan for the residents of the State of Michigan is of the utmost importance to the 2500 registered members of the MMBA spread over nine (9) Member Chapters in the State of Michigan.

However, such access and expansion must be based on (1) clearly defined access rights, (2) science and (3) fundamental fairness.

### **Defined Access Rights**

With respect to access rights, the Equestrian Bill is so broad, generalized and undefined that it is impossible to comprehend both the breadth of their scope and the impact on the nonmotorized trails.

- What does historical equestrian use mean?
- What is the significance of the May 7, 2008 date for determining historical equestrian use?
- Would the Equestrian Bills open trails to equestrian use that were built and maintained not by equestrians, but instead by other nonmotorized trail users?
- If the impact of 1200-pound horses destroys trails and makes them unusable for other nonmotorized trail users, will there be equestrian provided funds to constantly maintain and repair the damage?

The Equestrian Bill lacks the clarity necessary for proper enforcement and administration—and they fail to inform the members of the legislature of the true impact of the drastic upheaval that will be caused by the bill. This raises considerable questions regarding the efficacy of the Equestrian Bills and the litigation they will spawn over access rights.

### **Science**

With respect to science, neither the MMBA nor the Michigan Department of Natural Resources (DNR) have been provided with any type of scientific evidence or studies that would justify the impact of equestrian use on trails that would be shared with other nonmotorized trail users.

Trail degradation can be minimized through proper trail design, construction and maintenance. The least eroded trails are those that are aligned with the contour and are of a narrow width. Trails that are difficult or impossible to drain water from are highly susceptible to erosion. A study carried out in 2006 by the United States Geological Survey at the Big South Fork National River and Recreation Area for the National Park Service (NPS) indicates that trail impacts from horse riding are substantially greater than other human-powered activities such as hiking or mountain biking (Assessing and Understanding Trail Degradation: Results from Big South Fork National River and Recreational Area, United States Geological Survey, United States Department of the Interior; Jeffrey L. Marion, Principal Investigator; February, 2006). Impacts to trails are vegetation loss, trail widening, erosion, muddiness, and informal trail development. Erosion is considered to be the most severe form of impact because its effects are long lasting, if not permanent.

Soil erosion resulting from horse use is a product of the trampling and eventual loss of vegetative cover, found to be 4 to 8 times greater on horse trails, which tends to lead to trails two to three times wider than a hiking trail. Soil loosening and detachment of soil particles ("churning") by horses also contributed to the higher erosion rates. Trails with churned sections do not allow water to drain and effectively create channels in which water no longer flows across the trail, but down the trail causing severe erosion. Other trail issues attributed to horse use include the proliferation of informal trails, manure on trails, and tree damage.

### **Fundamental Fairness**

The MMBA maintains most, if not all, of the trails that would be impacted by the Equestrian Bills. The MMBA annually logs more than ten thousand (10,000) volunteer man-hours of trail building maintenance in the State of Michigan and has been building and maintaining trails since 1988.

The impact of equestrians on trails that were not built for such a purpose and cannot be maintained for such a purpose will destroy the labor and vested rights of the MMBA. It will destroy the trails for the use of the MMBA members and for the hikers, orienteers, berry pickers, mushroom harvesters, trail runners and other trail users.

### **Conclusion**

When a fair bill based on science and equal access rights for all nonmotorized trail users is brought forth to the legislature of the State of Michigan, with a council bearing representation from all nonmotorized trail users, the MMBA will stand in support of a truly great cause: proper, measured trail access rights fair to all users.

Sincerely,

The Michigan Mountain Biking Association

A handwritten signature in dark ink, appearing to read "John P. Gonway", written over a horizontal line.

John P. Gonway, Director of Advocacy

For more information on the Michigan Mountain Biking Association, I encourage you to visit us at [www.mmba.org](http://www.mmba.org)

# The Michigan Mountain Biking Association

www.mmba.org

November 19, 2009

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Senator Cameron Brown  
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**Re: House Bill 4610, Senate Bill 578 and Senate Bill 496 (collectively, the  
"Equestrian Bills")**

Ladies and Gentlemen:

## **MMBA Position**

It is the position of the Michigan Mountain Biking Association (MMBA) that the Equestrian Bills should be defeated due to a lack of specifics on their meaning and their preference for trail access in favor of equestrians and to the detriment of other trail users, especially cyclists.

The MMBA has always been and continues to be ardently in favor of access to nonmotorized trails for the silent sports and trail enthusiasts (including cyclists, hikers, trail runners, orienteers, equestrians, berry pickers and mushroom harvesters). The continued maintenance and expansion of access to these low impact uses of parks created by the State of Michigan for the residents of the State of Michigan is of the utmost importance to the 2500 registered members of the MMBA spread over nine (9) Member Chapters in the State of Michigan.

However, such access and expansion must be based on (1) clearly defined access rights, (2) science and (3) fundamental fairness.

### **Defined Access Rights**

With respect to access rights, the Equestrian Bills are so broad, generalized and undefined that it is impossible to comprehend both the breadth of their scope and the impact on the nonmotorized trails.

- What does historical equestrian use mean?
- What is the significance of the May 7, 2008 date for determining historical equestrian use?
- Would the Equestrian Bills open trails to equestrian use that were built and maintained not by equestrians, but instead by other nonmotorized trail users?
- If the impact of 1200-pound horses destroys trails and makes them unusable for other nonmotorized trail users, will there be equestrian provided funds to constantly maintain and repair the damage?
- Why do the Equestrian Bills seek to establish rights to nonmotorized trails and an Equine Trailways Commission with ostensible jurisdiction over all nonmotorized trails, but at the same time exclude other nonmotorized trail users from such a commission and from the legislative and rule-making process altogether?

The Equestrian Bills lack the clarity necessary for proper enforcement and administration—and they fail to inform the members of the legislature of the true impact of the drastic upheaval that will be caused by the bills. This raises considerable questions regarding the efficacy of the Equestrian Bills and the litigation they will spawn over access rights.

### **Science**

With respect to science, neither the MMBA nor the Michigan Department of Natural Resources (DNR) have been provided with any type of scientific evidence or studies that would justify the impact of equestrian use on trails that would be shared with other nonmotorized trail users.

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water to drain and effectively create channels in which water no longer flows across the trail, but down the trail causing severe erosion. Other trail issues attributed to horse use include the proliferation of informal trails, manure on trails, and tree damage.

When equestrians sought and obtained permission for joint use of the mountain bike trails built and maintained by the MMBA at Pontiac Lake Recreation Area, the joint use sections of the mountain bike trails were rendered to conditions similar to those observed at Big South Fork by the NPS and USGS. Ultimately trail use at Pontiac Lake Recreation Area was resolved by creating a separate trail system for equestrians—a resolution whole-heartedly endorsed by the MMBA and one that can provide a model for assuaging the concerns of equestrians on the matter before us now.

### **Fundamental Fairness**

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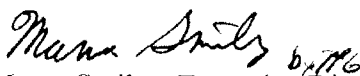
### **Conclusion**

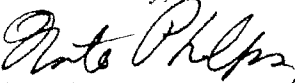
A number of groups, including the Michigan United Conservation Clubs and the Sierra Club, have come out against the Equestrian Bills, and the MMBA must likewise oppose the Equestrian Bills unless they are amended to provide for and protect the rights of all nonmotorized trail users.

When a fair bill based on science and equal access rights for all nonmotorized trail users is brought forth to the legislature of the State of Michigan, with a council bearing representation from all nonmotorized trail users, the MMBA will stand in support of a truly great cause: proper, measured trail access rights fair to all users.

Sincerely,

The Michigan Mountain Biking Association

  
Marne Smiley, Executive Director

  
Nate Phelps, President

  
John P. Gonway, Director of Advocacy

For more information on the Michigan Mountain Biking Association, I encourage you to visit us at [www.mmba.org](http://www.mmba.org)